

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT APPEAL NO.525 OF 2006

Date: 23-05-2006

Between:

Siddi Siddique and others ...Appellants

And

State of Andhra Pradesh rep. by its

Principal Secretary to Government.

Revenue Department at Secretariat,

Hyderabad and others ...Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

AND

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J U D G M E N T *(Per the Hon'ble Sri Justice L.Narasimha Reddy):*

Appellants filed Writ Petition No.2878 of 2006 aggrieved by the order dated 28-03-2001 passed by the second respondent herein under Section 33 of the Urban Land (Ceiling & Regulation) Act, 1976. They have also filed WPMP No.3554 of 2006 seeking stay of eviction from the lands bearing Survey Nos.63, 76 to 80 situated at Amberpet, Hyderabad. The learned Single Judge, who admitted the writ petition, dismissed the WPMP on 28-04-2006 on a sole ground that the writ petition was filed at a belated stage.

Heard learned counsel for the appellants and also learned Government Pleader for Assignment.

The matter arises under the Urban Land (Ceiling & Regulation) Act, 1976 (for short "the Act"). The Special Officer and Competent Authority, the third respondent, herein passed an order under Section 8(4) of the Act holding that the appellants are liable to surrender certain land, which is found in excess of ceiling limits. The appellants availed the statutory remedy under Section 33 of the Act before the second respondent. The appellate authority confirmed the order of the third respondent. The question as to whether the respective orders passed by the second and third respondents suffer from any illegality or infirmity needs to be considered at the stage of hearing of the writ petition. It is not in dispute that the land, which is found to be excess is still in the possession of the appellants as is evident from the notice dated 11-01-2006 issued by the third respondent. If the appellants are dispossessed from the land, virtually, nothing remains to be decided in the writ petition and the whole writ petition becomes infructuous. Therefore, we allow the writ appeal and set aside the order of the learned Single Judge, which is challenged in this writ appeal. Consequently, WPMP No.3554 of 2006 shall stand allowed and there shall be stay of dispossession of the appellants from the lands in question till disposal of the writ petition. The hearing of the writ petition shall be expedited.

(L. NARASIMHA REDDY,J)

Dated 23rd May, 2006

(D.APPA RAO,J)

vrn/kvni